

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MILLENNIUM TGA, INC.,

Plaintiff,

v.

JOHN DOE,

Defendant.

CASE NO. 4:11-cv-4501

Judge: Hon. Vanessa D. Gilmore

**PLAINTIFF’S RESPONSE TO NON-PARTY COMCAST’S NOTICE OF DECISION IN
RELATED CASE PENDING IN THE DISTRICT OF COLUMBIA**

Non-party Comcast Cable Communications, LLC (“Comcast”) submitted a notice to the Court regarding the recent decision, *Millennium TGA, Inc. v. Comcast Cable Communications LLC*, No. 12-mc-00150, 2012 WL 2371426 (D.D.C. 2012). (ECF No. 78.) Comcast implies that Plaintiff misled the Court by not “advise[ing] this Court of the related proceeding in federal court in Washington, D.C.” (ECF No. 78 at 2.) Comcast is mistaken. The Court was apprised of the Comcast, and other objections to subpoenas and motions to compel on several occasions.

As this Court is aware, Plaintiff’s counsel informed the Court of the District of Columbia proceeding in motion filings, as early as in ECF No. 8. Further, as requested, Plaintiff’s counsel emailed the Motion to Compel filed by the Prenda Law Firm on March 20, 2012, to the case manager. Finally, the pleadings in this case are replete with direct references to the subpoenas issued from the District of Columbia and the District of Columbia proceeding. (ECF Nos. 15 at 3, 17, 18-1, 21 at 2, 22 at 2, 27-1, 31 at 12, 32 at 12, 33-1, 38 at 2, 40 at 2, 41 at 2, 45-1, 46-1,

47-1, 58-1, 77-1.) For Comcast to claim that the Court was ignorant of the District of Columbia proceeding is incorrect.

It bears mentioning that the order attached by Comcast compels Comcast to produce information, namely the city and state associated with each infringing IP address. *Millennium TGA*, 2012 WL 2371426 at *8. Further, the order permits Plaintiff to simply reissue its “subpoena[s] upon Comcast to obtain the identifying information for any subscriber in each of the judicial districts where the subscribers reside” *Id.* *7. Once Plaintiff receives the information from Comcast related to the location of the unknown infringers, Plaintiff can continue to seek the identifying information it requires to proceed in this case.

Respectfully submitted,

MILLENNIUM TGA, INC.

DATED: June 29, 2012

By: **DOUGLAS M. MCINTYRE & ASSOCIATES**

/s/ Douglas M. McIntyre

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 29, 2012, all individuals of record who are deemed to have consented to electronic service are being served true and correct copy of the foregoing documents, and all attachments and related documents, using the Court's ECF system, in compliance with Local Rule 5.3.

/s/ Douglas M. McIntyre
DOUGLAS M. MCINTYRE